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Masaaki Yamamoto

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3943

7590

09/30/2005

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EXAMINER

LY, NGHI H

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/720,729

Applicant(s)

YAMAMOTO ET AL.

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25,28-30,33-48 and 83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25,28-30,33-48 and 83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/26/2005 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 25, 28-30, 33, 34, 38-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Wells et al (US 5,870,683).

Regarding claim 25, Wells teaches a mobile communication terminal that receives communications services from a mobile wireless network (see fig.2, RF connection between a mobile communication terminal 10 and a mobile wireless network 32), comprising: a communication control that selectively implements multiple communication functionalities comprising a voice communication functionality (column 3, lines 8-14, see "speech"), an electronic message communication functionality

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(column 10, lines 9-25, see "Short Message Service (SMS) message") and a network browsing functionality (column 10, lines 9-25, see "can be loaded from the network 32"), wherein while implementing the multiple communication functionalities, at least one standby state is realizable in which no user action is prompted (Abstract and column 2, lines 13-25, see "Idle state"), a viewer that activates the network browsing functionality to selectively access data sources through the network (column 10, lines 9-25, see "can be loaded from the network 32") and displays one or more blocks of screen data (Abstract and column 2, lines 13-25, see "Idle state" and "selectively display" and "displayed during an Idle state", and see column 3, line 54 to column 4, line 10 and see fig.3A to fig.4C. In addition, see column 4, lines 47-53, see "be erased and replaced with the same or different characters") received from the accessed data sources (column 10, lines 9-25, see "can be loaded from the network 32"), a registration control that stores a selected one of the one or more blocks of received screen data in one of multiple memory areas each correlatable to any one of the at least one standby state (see column 4, lines 11-16 and see column 8, lines 9-13, and see Abstract and column 2, lines 13-25, see "Idle state" and "selectively display" and "displayed during an Idle state"), a correlation control that dynamically correlates the one of the multiple memory areas to a selected one of the at least one standby state (see column 2, lines 12-25, see "selectively display" and column 8, lines 9-13, see "user choice", and see column 5, lines 39-45, see "if a user selects an animation". Wells teaches "selectively display" and "if a user selects an animation" and they read on Applicant's "dynamically correlates"), and a display control that, when the terminal is in the selected one of the at least one

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standby state, displays the selected one of the one or more blocks of screen data (Abstract and column 2, lines 13-25, see "Idle state" and "selectively display" and "displayed during an Idle state" and see column 5, lines 39-45, see "if a user selects an animation" or see column 8, lines 14-15, see "selected animation").

Regarding claim 28, Wells further teaches the data source is located outside the network and connected to the network over at least one public data communication network (column 10, lines 9-25, see "can be loaded from the network 32").

Regarding claim 29, Wells further teaches the data source is another communication terminal (see column 10, lines 9-25, see "can be loaded through the external data connection 28").

Regarding claim 30, Wells further teaches the data source is a server that provides information (column 4, lines 5-10, see "network provider").

Regarding claim 33, Wells further teaches the registration control determines, based on one or more attributes attached to the selected one of the one or more of the received screen data, whether the selected block of the received screen data is storable (see column 3, line 54 to column 4, line 10, and column 4, lines 11-14).

Regarding claim 34, Wells further teaches one of the attributes is a size of the selected block of the received screen data (see column 3, line 54 to column 4, line 10).

Regarding claim 38, Wells teaches one of the attributes is a communication protocol adopted in the network (see column 10, lines 9-25, the teaching of Wells inherently teaches Applicant's "one of the attributes is a communication protocol adopted in the network").

Regarding claim 39, Wells teaches different screen data is selectively displayed in a standby state (Abstract and column 2, lines 13-25, see "Idle state" and "selectively display" and "displayed during an Idle state" and see column 5, lines 39-45, see "if a user selects an animation" or see column 8, lines 14-15, see "selected animation").

Regarding claim 41, Wells teaches different screen data is displayed in a standby state in a periodic rotation (column 4, lines 1-4, see "displayed sequentially").

Regarding claim 42, Wells further teaches one of the at least one standby state is a standby state in which the terminal is waiting for a call to come in or for the user to key in (see Abstract).

Regarding claim 43, Wells further teaches one of the at least one standby state is a state of downloading data from the data source (see Abstract and column 10, lines 10-25).

Regarding claim 44, Wells further teaches the display control keeps displaying screen data until an occurrence of an event triggers a shift from the standby state (see column 2, lines 12-33).

Regarding claim 45, Wells further teaches the selected one of the one or more of the screen data is processed for display (see column 3, line 54 to column 4, line 10).

Regarding claim 46, Wells further teaches the size of the image represented by the selected one of the one or more of the screen data is adjusted (see column 10, lines 21-24).

Regarding claim 47, Wells further teaches the image represented by the selected one of the one or more of the screen data is repeated (column 4, lines 1-4, see "displayed sequentially").

Regarding claim 48, Wells further teaches the image represented by the selected one of the one or more of the screen data is placed at a designated location on a display of the terminal (see fig.3A and 3B).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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7. Claims 35, 36, 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al (US 5,870,683).

Regarding claims 35, 36, 37 and 40, Wells teaches claim 25 *instead* of one of the attributes is copyright protection *or* one of the attributes is identification of a network through which the screen data was downloaded received one of the attributes is an encryption method with which the screen data is encrypted *or* different screen data is randomly displayed in a standby state.

However, using one of the attributes is copyright protection *or* one of the attributes is identification of a network through which the screen data was downloaded received one of the attributes is an encryption method with which the screen data is encrypted *or* different screen data is randomly displayed in a standby.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed in order to improve one of the attributes is copyright protection *or* one of the attributes is identification of a network through which the screen data was downloaded received one of the attributes is an encryption method with which the screen data is encrypted *or* different screen data is randomly displayed in a standby state.

8. Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al (US 5,870,683) in view of Thompson et al (US 5,809,433).

Regarding claim 83, Wells teaches claim 25. Wells does not specifically disclose one of the at least one standby state is a state of receiving an e-mail.

Thompson teaches one of the at least one standby state is a state of receiving an e-mail (see column 1, lines 45-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Thompson into the system of Wells so that during the standby mode, the radio telephone can receive electronic mail.

9. Claims 25, 28-30 and 33-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al (US 6,650,889) in view of Kuno et al (US 6,473,628).

Regarding claim 25, Evans teaches a mobile communication terminal that receives communications services from a mobile wireless network (see fig.1, wireless connection between mobile client terminal 2 and server 7), comprising: a communication control that selectively implements multiple communication functionalities comprising a voice communication functionality (see column 11, lines 1-39, see "voice" "speech" "spoken"), an electronic message communication functionality and a network browsing functionality (see Title and Abstract, see "browser", see fig.1, internet 6 and Web server 7), a viewer that activates the network browsing functionality to selectively access data sources through the network (see Title and Abstract, see "browser", see fig.1, internet 6 and Web server 7), and displays one or more blocks of screen data received from the accessed data sources (see Title and Abstract, see "browser", see fig.1, internet 6 and Web server 7, see column 10, lines 47-64 and see fig.5), a registration control that stores a selected one of the one or more blocks of

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received screen data in one of multiple memory areas (see column 10, lines 47-64 and see fig.5).

Evans does not specifically disclose while implementing the multiple communication functionalities, at least one standby state is realizable in which no user action is prompted, a registration control that stores a selected one of the one or more blocks of received screen data in one of multiple memory areas each correlatable to any one of the at least one standby state, a correlation control that dynamically correlates the one of the multiple memory areas to a selected one of the at least one standby state, and a display control that, when the terminal is in the selected one of the at least one standby state, displays the selected one of the one or more blocks of stored screen data.

Kuno teaches while implementing the multiple communication functionalities, at least one standby state is realizable in which no user action is prompted (see Abstract), a registration control that stores a selected one of the one or more blocks of received screen data in one of multiple memory areas each correlatable to any one of the at least one standby state (see column 2, lines 46-64), a correlation control that dynamically correlates the one of the multiple memory areas to a selected one of the at least one standby state (see column 2, line 46 to column 3, line 16), and a display control that, when the terminal is in the selected one of the at least one standby state (see column 2, line 46 to column 3, line 16), displays the selected one of the one or more blocks of stored screen data (also see column 2, line 46 to column 3, line 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kuno into the system of Evans in order to provide entertainment during idle moments (see Kuno, column 11, lines 17-23 and column 12, lines 41-45).

Regarding claim 28, Evans further teaches the data source is located outside the network and connected to the network over at least one public data communication network (see fig.1, network 4 and server 7).

Regarding claim 29, Evans further teaches the data source is another communication terminal (see fig.1, the server 7 reads on Applicant's another communication terminal).

Regarding claim 30, Evans further teaches the data source is a server that provides information (see fig.1, server 7).

Regarding claim 33, Evans further teaches the registration control determines, based on one or more attributes attached to the selected one of the one or more of the received screen data, whether the selected block of the received screen data is storable (see fig.4, "graphics tag" and "image").

Regarding claim 34, Evans further teaches one of the attributes is a size of the selected block of the received screen data (see column 1, lines 38-47).

Regarding claims 35, 36, 37 and 40, the combination of Evans and Kuno teaches claim 25 instead of one of the attributes is copyright protection or one of the attributes is identification of a network through which the screen data was downloaded received one

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of the attributes is an encryption method with which the screen data is encrypted or different screen data is randomly displayed in a standby state.

However, using one of the attributes is copyright protection or one of the attributes is identification of a network through which the screen data was downloaded received one of the attributes is an encryption method with which the screen data is encrypted or different screen data is randomly displayed in a standby state.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed in order to improve one of the attributes is copyright protection or one of the attributes is identification of a network through which the screen data was downloaded received one of the attributes is an encryption method with which the screen data is encrypted or different screen data is randomly displayed in a standby state.

Regarding claim 38, Evans further teaches one of the attributes is a communication protocol adopted in the network (see column 1, lines 25-26).

Regarding claims 39, 41 and 47, Evans teaches a mobile communication terminal that receives communications services from a mobile wireless network (see fig.1, wireless connection between mobile client terminal 2 and server 7).

Evans does not specifically disclose different screen data is selectively displayed in a standby state.

Kuno teaches different screen data is selectively displayed in a standby state (see Kuno, column 10, lines 30-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kuno into the system of Evans in order to provide entertainment during idle moments (see Kuno, column 11, lines 17-23 and column 12, lines 41-45).

Regarding claim 42, Evans teaches a mobile communication terminal that receives communications services from a mobile wireless network (see fig.1, wireless connection between mobile client terminal 2 and server 7). Evans does not specifically disclose one of the at least one standby state is a standby state in which the terminal is waiting for a call to come in or for the user to key in.

Kuno teaches one of the at least one standby state is a standby state in which the terminal is waiting for a call to come in or for the user to key in (see Kuno, Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kuno into the system of Evans in order to provide entertainment during idle moments (see Kuno, column 11, lines 17-23 and column 12, lines 41-45).

Regarding claim 43, Evans further teaches one of the at least one standby state is a state of downloading data from the data source (see Title and Abstract, see "browser", see fig.1, internet 6 and Web server 7).

Regarding claim 44, Evans teaches a mobile communication terminal that receives communications services from a mobile wireless network (see fig.1, wireless connection between mobile client terminal 2 and server 7). Evans does not specifically

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disclose the display control keeps displaying screen data until an occurrence of an event triggers a shift from the standby state.

Kuno teaches the display control keeps displaying screen data until an occurrence of an event triggers a shift from the standby state (see Kuno, column 2, line 65 to column 3, line 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kuno into the system of Evans in order to provide entertainment during idle moments (see Kuno, column 11, lines 17-23 and column 12, lines 41-45).

Regarding claim 45, Evans further teaches the selected one of the one or more of the screen data is processed for display (see fig.3a-4a and fig.5).

Regarding claim 46, Evans further teaches the size of the image represented by the selected one of the one or more of the screen data is adjusted (see column 10, lines 21-24).

Regarding claim 48, Evans further teaches the image represented by the selected one of the one or more of the screen data is placed at a designated location on a display of the terminal (fig.5, see 100 and 102).

10. Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al (US 6,650,889) in view of Kuno et al (US 6,473,628) and further in view of Thompson et al (US 5,809,433).

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Regarding claim 83, the combination of Evans and Kuno further teaches claim 25. The combination of Evans and Kuno does not specifically disclose one of the at least one standby state is a state of receiving an e-mail.

Thompson teaches one of the at least one standby state is a state of receiving an e-mail (see column 1, lines 45-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Thompson into the system of Evans and Kuno so that during the standby mode, the radio telephone can receive electronic mail.

Response to Arguments

11. **a. Applicant's arguments with respect to claims 25, 28-30, 33-48 and 83 have been considered but are moot in view of the new ground(s) of rejection (see the teaching of a newly cited Well et al US 5,870,683).**

b. Applicant's arguments filed 07/26/2005 have been fully considered but they are not persuasive.

On page 6 of Applicant's remarks, Applicant argues that Kuno (US 6,473,628) does not teach "the correlatable memory area or dynamic correlation process of the present invention".

In response, Kuno teaches the images of a swimming fish, a flying airplane and an animal are displayed during the standby state (see column 9, lines 7-26). In order to

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display (or read out) the above images from the ROM (memory unit) 13, the teaching of Kuno inherently teaches correlating the images of that particular memory area of the ROM (memory unit) 13 during the standby state. If Kuno does not teach correlating between the memory areas to the standby state, as alleged by the Applicant, the control unit 12 of Kuno would not know where to locate the images of the fish, airplane and animal in the ROM (memory unit) 13.

On page 6 of Applicant's remarks, Applicant further argues that Kuno's memory area is not correlated to any standby state and cannot be selected for any standby state. It is the correlation process to make selection of the memory area possible for a standby state. The correlation process teaches the computer which memory area to select for a particular standby state.

In response, since the images of Kuno are stored in ROM (memory unit) 13. In order to display (or read out) the images from ROM (memory unit) 13, the teaching of Kuno inherently teaches correlating the images of that particular memory area of the ROM (memory unit) 13 during the standby state (also see Examiner's answer above).

In addition, since the images of the fish, airplane and animal are displayed randomly, but one by one (or in sequence) (or the images of the fish, airplane and animal do not mix up in one display screen 16 at the same time during the standby state). Therefore, the teaching of Kuno inherently teaches the images of the fish, airplane and animal are stored in separate memory areas of a ROM (memory unit) 13. *Furthermore*, Applicant's attention is directed to Kuno, column 10, lines 30-31, see "images stores in ROM (memory unit) 13 are selected by the control unit 12".

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Furthermore, Applicant's claim 25 merely recites "selected", but fails to further states who select (the user or the processor). Therefore, the teaching of Kuno indeed teaches Applicant's claimed limitation with a broadest reasonable interpretation.

Applicant further argues that "the user selects register display screen" (see Applicant's remarks, page 5, line 14), "the user is promoted to chose..." (see Applicant's remarks, page 5, line 26), "the user selects set standby screen" (see Applicant's remarks, page 5, line 27), and "Under the teaching of Kuno et al., the user can not display" (see Applicant's remarks, page 8, line 8).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the user") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, the Applicant's "correlation control" (not the user) that dynamically correlates the multiple memory areas (see Applicant's claim 25). In addition, see Kuno, column 10, lines 30-31, see "images stores in ROM (memory unit) 13 are selected by the control unit 12".

On page 7 of Applicant's remarks, Applicant further argues that there is no motivation to combine Kuno and Evans.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

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where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, motivation to do so found in the references themselves which is: providing entertainment during idle moments (see Kuno, column 11, lines 17-23, column 10, lines 1-4 and column 12, lines 41-45).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

NH Ly
09/23/15

Charles Appiah
CHARLES APPIAH
PRIMARY EXAMINER